

# State of South Dakota

## EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

625R0609

### HOUSE BILL NO. 1151

Introduced by: Representatives Krebs, Bolin, Boomgarden, Brunner, Deadrick, Elliott, Fargen, Hoffman, Juhnke, Kirkeby, Lucas, Lust, Rounds, Sorenson, and Thompson and Senators Miles, Bartling, Garnos, Gray, Knudson, Maher, Tieszen, and Vehle

1 FOR AN ACT ENTITLED, An Act to authorize funeral establishments to operate branch  
2 chapels.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-19-1 be amended to read as follows:

5 36-19-1. Terms used in this chapter mean:

6 (1) "Board," the Board of Funeral Service;

7 (1A) "Branch chapel," a separate facility with a visitation room or chapel that is owned by,  
8 a subsidiary of, or otherwise financially connected to or controlled by a licensed  
9 funeral establishment;

10 (2) "Embalmer," any person engaged in or conducting, or holding the person out as  
11 engaged in or conducting, the business of disinfecting, preserving, or both, or  
12 attempting to disinfect or preserve, or both, or cremate, dead human bodies, in whole  
13 or in part by use of chemicals externally, internally or by other methods, as approved  
14 by the department of health;



1       (3) "Funeral director," any person, partnership, limited liability company, corporation,  
2       association, or organization engaged in or conducting or holding that person out as  
3       engaged in or conducting, at a funeral establishment, the business of preparing, other  
4       than embalming, for burial or disposal, and supervising the burial or disposal of dead  
5       human bodies, or who shall, in connection with the person's name or business, use  
6       the ~~words~~ title, "funeral director," "undertaker," "mortician," or any other title  
7       implying that the person is engaged in the business herein described;

8       (4) "Funeral establishment," any place of business conducted at a specific street address  
9       or location devoted to the care and preparation for burial or transportation of dead  
10      human bodies;

11      (5) "Funeral service," those service provided or rendered by an embalmer or funeral  
12      director, or both, as set forth in subdivisions (2) or (3) of this section;

13      (6) "Trainee in funeral service," any person who is engaged in the training of funeral  
14      service. However, no person may serve or attempt to serve as such trainee until that  
15      person has filed a registration with the board of funeral service as set forth in this  
16      chapter.

17      Section 2. That chapter 36-19 be amended by adding thereto a NEW SECTION to read as  
18      follows:

19      A funeral establishment may operate a branch chapel. An application for a license to operate  
20      a branch chapel shall be submitted for each location and shall be in writing on a form provided  
21      by the board. The application shall be accompanied by a fee. The board shall establish the  
22      licensure requirements for a branch chapel and a licensure fee, not to exceed one hundred  
23      dollars, by rules promulgated pursuant to chapter 1-26. The board shall grant a license to operate  
24      a branch chapel if the applicant complies with the requirements of this section and the rules

1 promulgated pursuant to this section.